

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12-8361 (N5)

A United States Postal Service Express Mail Parcel bearing label number EH875480381US (the "SUBJECT PARCEL"). The SUBJECT PARCEL is a USPS Flat Rate Express Mail Mailing Box measuring 11" x 8 1/2" x 5 1/2" and weighing 1 lb., 11 oz. The parcel bears a handwritten label addressed to "Sahr McCarthy, Po box 230, 5542 Monterey road, San Jose Cal 95138-1529," with a return address of Ebony Grant, 5167 N. Loverslane Apt. #115, Milwaukee, WI 53225. The SUBJECT PARCEL was postmarked on March 20, 2012 at Milwaukee, WI 53225.

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Daniel J. Kakonis, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A United States Postal Service Express Mail Parcel bearing label number EH875480381US (the "SUBJECT PARCEL"). The SUBJECT PARCEL is a USPS Flat Rate Express Mail Mailing Box measuring 11" x 8 1/2" x 5 1/2" and weighing 1 lb., 11 oz. The parcel bears a handwritten label addressed to "Sahr McCarthy, Po box 230, 5542 Monterey road, San Jose Cal 95138-1529," with a return address of Ebony Grant, 5167 N. Loverslane Apt. #115, Milwaukee, WI 53225. The SUBJECT PARCEL was postmarked on March 20, 2012 at Milwaukee, WI 53225.

located in the Eastern District of Wisconsin there is now concealed: Please see attached affidavit, which is hereby incorporated by reference.

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

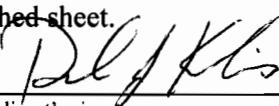
- evidence of a crime;
- contraband, fruits of a crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

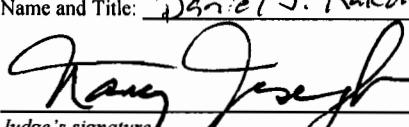
The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- Continued on the attached sheet, which is incorporated by reference.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature
Name and Title: Daniel J. Kakonis Postal Inspector


Judge's signature
THE HONORABLE NANCY JOSEPH
United States Magistrate Judge
Name & Title of Judicial Officer

Sworn to before me, and signed in my presence.

Date March 31, 2012

City and state: Milwaukee, Wisconsin

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AFFIDAVIT

I, Daniel J. Kakonis, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United State Postal Inspection Service. I have been employed as a Postal Inspector for over 24 years. My primary duties include investigating the transportation of controlled substances or proceeds/payments through the U. S. Mail. As a Postal Inspector, I have been involved in hundreds of investigations of narcotics trafficking through the United States mail. Based upon my experiences as a federal law enforcement officer, I know that the United States mails are often used to deliver controlled substances and payment/proceeds thereof.

2. The information contained in this affidavit is either the result of personal observations and investigation, the review of law enforcement files or records, postal records, or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. I have not included in this affidavit each and every fact known to me regarding this investigation, but only those relating to determining whether there is probable cause to believe that items seized will be found in the places to be searched and whether those items are evidence of the offenses identified in this affidavit.

PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a search warrant for the SUBJECT PARCEL described below in paragraph 5, for items which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance)

and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance).

PARCEL TO BE SEARCH

5. This affidavit is made in support of an application for a search warrant for a United States Postal Service Express Mail Parcel bearing label number EH875480381US (the "SUBJECT PARCEL"). The SUBJECT PARCEL is a USPS Flat Rate Express Mail Mailing Box measuring 11" x 8 1/2" x 5 1/2" and weighing 1 lb., 11 oz. The parcel bears a handwritten label addressed to "Sahr McCarthy, Po box 230, 5542 Monterey road, San Jose Cal 95138-1529," with a return address of Ebony Grant, 5167 N. Loverslane Apt. #115, Milwaukee, WI 53225. The SUBJECT PARCEL was postmarked on March 20, 2012 at Milwaukee, WI 53225.

ITEMS TO BE SEIZED

6. The following are items to be seized from the SUBJECT PARCEL, which constitutes the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance):

- a. Any controlled substance
- b. Currency, money orders, bank checks, or similar monetary instruments in quantities over \$100

INVESTIGATION OF THE SUBJECT PARCEL

7. I review express mail labels delivered to and sent from the Milwaukee area to source narcotic areas. I know based on my training and experience that drug traffickers will often use express mail service, such as the USPS overnight/next day

delivery product because of their speed, reliability, and the ability to track the article's progress to the intended delivery point.

8. I am aware that California is source area for controlled substances. As such, controlled substances are frequently transported from the California area via the United States Mail, and the proceeds from the sale of the controlled substances are frequently returned to California via the United States Mail. These proceeds are generally in large amounts of money, over \$100.

9. I know from my experience and training that drug traffickers often use fictitious or incomplete names and/or addresses in an effort to conceal their identity from law enforcement officers when mailing narcotics.

10. The following Express Label mailings are associated with the addresses on the SUBJECT PARCEL:

- a. Between 12/12/11 and 2/27/12 eight Express Mail packages have been mailed from California, bearing a return address from Modesto, San Juan, or Campbell, CA to Ebony Grant, 5167 N. Lovers Lane Apt. 115, Milwaukee, WI 53225. The packages weighed between 4 lb., 1.7 oz and 11 lbs., 9.2 oz. I researched Accurint, which is a public information database utilized by law enforcement, that provides names, addresses, telephone numbers, and other identifying information. Accurint found that Ebony Grant is associated with 5167 N. Lovers Lane Apt. 115, Milwaukee, WI 53225. Accurint confirmed that each of the return addresses existed, but the common names used as the sender, "Smith," "Jacobs," "Scott," "Simpson," and "Grant" could not be associated with the respective return address. The handwriting on each of the eight labels appeared to be written by the same individual.
- b. On 11/01/11, a 6 oz. Express Mail package bearing label number EI299251753US was mailed from Milwaukee, WI 53208 and addressed to "Fadeelah Flemings, 11118 robledo dr, Oakland, CA 94603." The package bore a return address of Ebony Grant, 5167 N. Loverslane Apt. 115, Milwaukee, WI 53225. Accurint revealed the name "Flemings" was not associated with the address 11118 Robledo Dr, Oakland, CA 94603. The phone number (510) 395-5564 was written in the "to" section of the label. Accurint confirmed the number to be a possible wireless phone number listing to the name "A. Malik."

- c. On 2/16/12, a 15 oz. Express Mail package bearing label number EI298059635US was mailed from Milwaukee, WI 53219 and addressed to "F.FLEMINGS, 11118 ROBLEDO DR, OAKLAND, CA 94603." The package bore a return address of "A. MALIK, 523 N. 32nd ST, MILWAUKEE, WI 53208." On 2/17/12, your affiant obtained a positive alert from Milwaukee Police Detective Eugene S. Nagler and his canine "Duke," who are trained and certified in the detection of dangerous drugs. I then obtained a Federal Search Warrant for this package on 2/17/12 and upon executing the warrant seized \$3,200 in U.S. Currency concealed in a binder.
- d. On 2/29/12, a 3 lb., 2 oz. Express Mail package bearing label number EH875479091US was mailed from Milwaukee, WI 53225 and addressed to "Sahr McCarthy, 5542 Monterey road, Box 230, San Jose, CA 95138-1529." The package bore a return address of Ebony Grant, 5167 N. Loverslane Apt. 115, Milwaukee, WI 53225. Accurint revealed that "The UPS Store" is at 5542 Monterey Road, San Jose.

11. On March 20, 2012, Inspector Kakonis saw the SUBJECT PARCEL while reviewing outgoing Express Mail packages at the Milwaukee Post Office. Inspector Kakonis picked up the parcel described in paragraph 5 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service Office. On March 20, 2012, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke," who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually with a recent recertification on June 6, 2011. The controlled substances they are certified in detecting include marijuana, heroin, and cocaine. Detective Nagler stated Duke has alerted, over 500 times including training, to the presence of controlled substances he is trained to detect. Duke's alerts have been the basis for more than 100 search warrants, and more than 100 searches of motor vehicles. In addition, according to Inspection Service records Duke has successfully alerted to controlled substances on U.S. Mail parcels and letters on 84 occasions since February of 2008, for a success rate of

100%. Detective Nagler informed me that Duke's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with, the odor of one or more controlled substances.

12. On March 20, 2012, I placed the aforementioned parcel on the floor in the Milwaukee Postal Inspection Service Office with five other similar parcels. Duke alerted on the parcel addressed to "Sahr McCarthy, Po box 230, 5542 Monterey road, San Jose Cal 95138-1529," as described in paragraph 5 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

13. I believe that based upon the evidence described above, there is probable cause to indicate that the contents of the SUBJECT PARCEL, addressed to "Sahr McCarthy, Po box 230, 5542 Monterey road, San Jose Cal 95138-1529," is drug related, and thus constitutes the fruits, instrumentalities, and evidence of violation of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance).